

## **II. E-MAIL ADDRESSES:**

### **A. General:**

Technology advancements have now provided an additional or alternate means to contact and/or maintain ongoing communication with victims, witnesses, reporters, owners, and/or other persons who may be of assistance in criminal investigations. Many people now have some type of computer access and have the capability to communicate via electronic mail (e-mail). The use of e-mail can be a useful and beneficial tool in criminal investigations by being practical, low cost, and expedient.

1. E-mail: The use of e-mail to contact and/or maintain ongoing communication with persons who may be of assistance in criminal investigations is encouraged. Incidents of miscommunication, inherent in verbal communications, can be greatly reduced.
2. Attachments: Receipt of documents as attachments to e-mails is also encouraged when originals or certified copies of documents are not required.
3. Printouts: Printouts of e-mail communications should be included in the investigator's case file. These printouts can reduce the need for documenting contacts and/or communications through time consuming written notes.

### **B. Responsibilities:**

Every victim, witness, reporter, owner, and/or other person who may be of assistance in a criminal investigation, who is listed in the initial report, should be asked to provide an e-mail address as an additional or alternate means to contact them. Providing the e-mail address is completely voluntary.

1. Officers completing the initial report should obtain an e-mail address from every listed person and document the e-mail address in the corresponding "Other Contact Information" line for that person in the Offense-Incident Report (see Report Writing). If a Miscellaneous Incident Report is used, the e-mail address should be documented in the "Narrative" of the report.
2. If an e-mail address is not recorded for any person listed in the initial report, the investigator assigned the follow-up investigation should attempt to obtain an e-mail address during the first contact with that person. The e-mail address should be documented in a supplementary report.

## **SECTION 14 - U VISA ELIGIBILITY AND CERTIFICATION REQUIREMENT**

### **I. PROGRAM OVERVIEW:**

#### **A. General:**

The U Nonimmigrant Status Visa (U Visa) was implemented by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) to allow aliens who are victims of certain "qualified criminal activity" and who have been, are being, or are likely to be, helpful in the investigation or prosecution of that activity, to remain in the United States. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance. The U Visa was created to strengthen the ability of law enforcement agencies to investigate and prosecute crimes.

#### **B. Eligibility:**

To obtain a U Visa, the victim must meet certain eligibility requirements, and the criminal activity must involve one or more of the below listed violations of federal, State, or local criminal laws:

1. Abduction.
2. Abusive Sexual Contact.
3. Blackmail.

4. Domestic Violence.
5. Extortion.
6. False Imprisonment.
7. Felonious Assault.
8. Female Genital Mutilation.
9. Being Held Hostage.
10. Incest.
11. Involuntary Servitude.
12. Kidnapping.
13. Manslaughter.
14. Murder.
15. Obstruction of Justice.
16. Peonage.
17. Perjury.
18. Prostitution.
19. Rape.
20. Sexual Assault.
21. Sexual Exploitation.
22. Slave Trade.
23. Torture.
24. Trafficking.
25. Unlawful Criminal Restraint.
26. Witness Tampering.
27. Attempt, Conspiracy, or Solicitation to commit any of the above.

**C. Qualification:**

To qualify for U Visa status, an alien victim must be directly and proximately harmed by the qualifying criminal activity. The victim applying for a U Visa must possess information about the crime and must be cooperating with law enforcement authorities and/or prosecutors investigating or prosecuting the crime. The victim also has the ability to add qualifying family members to the Petition. In cases involving murder, manslaughter, or when the actual victim is incompetent or incapacitated, the law extends the term “victim” to the following list of individuals (indirect victims):

1. Alien Spouse,

2. Unmarried children under 21 years of age, and
3. Parents and unmarried siblings under 18 years of age if the actual victim is or was under 21 years of age.

Additional guidance, including more instructions for indirect victims, is provided in Annex V that contains the official Instructions for I-918, Supplement B, U Nonimmigrant Status Certification and Form I-918 Supplement B, U Nonimmigrant Status Certification.

## **II. REQUESTING ELIGIBILITY:**

### **A. Responsibility:**

The alien victim is responsible for requesting eligibility for U Visa status, which is accomplished by the victim completing a Form I-918, Petition for U Nonimmigrant Status, and filing it with the USCIS. Copies of the Form and Instructions are downloadable via the Internet from the Department of Homeland Security, USCIS, by doing an online search of the form name. In order to qualify for that status, the victim must provide a certification from a federal, State, or local law enforcement official certifying that:

1. The alien is a victim of a qualified crime.
2. The alien possesses relevant information.
3. The alien has been, is being or is likely to be helpful to the investigation and/or prosecution of the crime.

### **B. Certifying Agency:**

The certifying agency must be a law enforcement agency, a prosecutor, or a judge that has responsibility for the investigation, prosecution, or the convicting or sentencing of a qualified criminal activity. The certification must be executed using the Form I-918 Supplement B, U Nonimmigrant Status Certification, located at the end of the Form I-918, Petition for U Nonimmigrant Status, being completed by the alien. This is the only portion of the Petition that requires the attention of the certifying official. The Form I-918 Supplement B also includes Instructions to guide the certifying official, which are self-explanatory. A copy of the Instructions for I-918, Supplement B, U Nonimmigrant Status Certification, and a copy of the Form I-918 Supplement B, U Nonimmigrant Status Certification, are provided for reference (Annex V).

1. When presented to MDPD by an alien or the alien's attorney, the Form I-918 Supplement B, U Nonimmigrant Status Certification, will be completed (except for Part 6, Certification) by the investigator assigned to investigate the criminal activity. The Form I-918 Supplement B must then be signed by a "certifying official."
  - a. For law enforcement purposes, the certifying official is defined as the head of the certifying agency, or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on the behalf of that agency. The Director of the Miami-Dade Police Department, by and through the issuance of the MDPD Departmental Manual, Chapter 25 – Part 1, Criminal Investigations, has delegated the responsibility to supervisors of the rank of captain or above to be designated as certifying officials on the behalf of MDPD.
2. The certifying official will be a supervisor of the rank of captain or above in the chain-of-command of the investigator who completed the respective Form I-918 Supplement B, U Nonimmigrant Status Certification. The certifying official will review the form for accuracy, completeness and sign the Form I-918 Supplement B, Part 6, Certification section. If the certifying official determines the applicant was a victim of a qualifying crime but has not, is not being, or is not likely to be helpful in the investigation =, the certifying official will still sign the form and check "NO" in Part 4, Number 2, and provide a narrative in Part 4, Number 5, explaining how the victim was not, is not, or is not likely to be helpful. Additionally, a copy of this Directive or the subsequently revised MDPD Departmental Manual, Chapter 25 – Part 1, Criminal Investigations, Section 14, U VISA ELIGIBILITY AND CERTIFICATION REQUIREMENTS, will be attached to the completed Form I-918 Supplement B evidencing this delegation of authority.

3. A copy of the completed Form I-918, Petition for U Nonimmigrant Status, the completed Form I-918 Supplement B, U Nonimmigrant Status Certification, and all other associated documentation will be made before returning the original documents to the alien or the alien's attorney. The copy will be retained in the case file. Copies of all subsequent additional documentation and correspondence related to this matter will be added to, and kept together with, the initial copies of the Form I-918, Petition for U Nonimmigrant Status, the Form I-918 Supplement B, U Nonimmigrant Status Certification, and all other associated documentation in the case file.
4. MDPD's policy is to accurately complete Form I-918 Supplement B without a completed Form I-918 Supplement B, the alien will be ineligible for U nonimmigrant status. However, MDPD's completion of the form does not mean that the U Visa will be granted by the federal government. Those victims who have not been helpful, are not helpful or not likely to be helpful with the investigation will not be able to obtain a U Visa from the federal government when their lack of helpfulness is documented on the completed and signed form. The Department of Homeland Security, U.S. Citizenship and Immigration Services conducts a full background check and evaluates a number of other factors in order to make a determination of status.
5. Subsequent to certifying a qualified alien victim as helpful the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity, the USCIS must be notified by the certifying official.
  - a. The investigator that completed the original Form I-918 Supplement B, U Nonimmigrant Status Certification, will prepare a letter to USCIS detailing the circumstances. If the same investigator is not available, the current investigator assigned the case will prepare the letter.
  - b. The letter will be signed by the same certifying official who signed the original Form I-918 Supplement B, U Nonimmigrant Status Certification. If the same certifying official is not available, the person who would be the investigator's current certifying official will sign the letter.
  - c. The letter will include a copy of the original Form I-918, Petition for U Nonimmigrant Status, the Form I-918 Supplement B, U Nonimmigrant Status Certification, and all other associated documentation as an enclosure.
  - d. The letter will be sent certified mail with return receipt.

**C. Police Legal Bureau Responsibilities:**

The Police Legal Bureau will provide legal assistance and guidance to departmental employees who are responsible for the completion and/or certification of the Form I-918 Supplement B, U Nonimmigrant Status Certification, as well as for any subsequent or related matters. The Department of Homeland Security, U.S. Citizenship and Immigration Services, also publishes a helpful guide titled, U Visa Law Enforcement Certification Resource Guide, which can be found at [http://www.dhs.gov/sites/default/files/publications/dhs\\_u\\_visa\\_certification\\_guide\\_0.pdf](http://www.dhs.gov/sites/default/files/publications/dhs_u_visa_certification_guide_0.pdf).

**SECTION 15 - IDENTITY CRIMES [CALEA 42.2.8 a-e]**

**I. ECONOMIC CRIMES BUREAU:**

**A. General:**

The Economic Crimes Bureau (ECB) is an investigative entity of the Special Investigations Division. The Bureau conducts criminal investigations into crimes that inflict a serious financial hardship on the community. Typically, these crimes involve sophisticated theft schemes that result in major fiscal destruction to property and cause significant credit problems and financial loss to affected individuals for years. Identity crimes cost businesses, consumers, and individuals billions of dollars and has been directly linked to terrorist activities in both funding clandestine operations and obtaining documents for illegal purposes. The Bureau conducts investigations into identified